

**HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**CRIMINAL PETITION No.15353 of 2013**

**ORDER :**

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioners/A.1 to A.6 seeking to quash the proceedings in Crime No.59/2013 of Utnoor Police Station, Adilabad District, registered against them for the offences punishable under Sections 120-B, 504, 448 and 506 of IPC.

Heard learned counsel for the petitioners/A.1 to A.6 as well as the learned Additional Public Prosecutor appearing for respondent No.1 – State and the learned counsel for respondent No.2 – complainant. Perused the material on record.

Learned counsel for the petitioners submits that the allegations mentioned in the complaint are all false and baseless. He submits that the petitioners are residing at different places and there was no possibility for them to trespass into the house of respondent No.2 – complainant and threaten him with dire consequences. Learned counsel for the petitioners has referred to the letter bearing No.A/1706/2012, dated 27.04.2013 addressed by the Revenue Divisional Officer, Utnoor, to the Additional Superintendent of Police, Utnoor, calling for information in the matter. Para-2 of the said letter, which is relevant, reads as under:

“In this regard, I am to inform that, the matter has been referred to Tahsildar, Utnoor for enquiry and report of the facts. The Tahsildar, Utnoor in his letter 3<sup>rd</sup> cited has reported the facts of the case as follows. The family of Sri T.Jairaj and others, R/o. Lakkaram of Utnoor Mandal have made house site plots bearing No.1 to 9 is Sy.No.98, extent of 0.14 gts. situated at Lakkaram Village of Utnoor Mandal. As per their family agreement the plots have been divided among the family members as detailed below.”

Placing reliance on the above letter, learned counsel for the petitioners submits that the present case is of civil nature and pending before the Revenue Divisional Officer, Utnoor, and, therefore, the proceedings under challenge in this criminal petition are liable to be quashed.

Considering the nature of the allegations made in the complaint, it is to be seen whether the allegations in the complaint attract the ingredients of the offences alleged or not?

At this stage, we cannot go into the merits of the case and decide the same by considering the documents filed by the petitioners. It is the specific allegation of the 2<sup>nd</sup> respondent - complainant that the petitioners/A.1 to A.6 have trespassed into his house, threatened with dire consequences and abused him in filthy language in front of LWs.1 to 5.

In view of the allegations made in the complaint, this is not a fit case to quash the proceedings against the petitioners/A.1 to A.6 in the above crime. However, the police authorities are directed to follow the procedure prescribed

under Section 41-A of Cr.P.C. Petitioner No.1/A.1 shall appear before the trial Court on behalf of the other petitioners. The presence of petitioner Nos.2 to 6/A.2 to A.6 is dispensed with during trial, except on the occasions whenever their presence is required by the trial Court.

With the above observations, this Criminal Petition is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

25.04.2018.  
Msr

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GUDISEVA SHYAM PRASAD, J



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25.04.2018  
Msr